

## United States District Court, Northern District of Indiana



## Annual Report 2005

Stephen R. Ludwig  
Clerk of Court

Peggy A. Guernsey  
Chief Deputy Clerk

## MESSAGE FROM THE CLERK ...



The Annual Report of the United States District Court for the Northern District of Indiana is a summary of the many events which have taken place during the 2005 calendar year.

We experienced another decrease in our civil filing activity similar to the rest of the nation. However, our decrease was 6.8% compared to 10% decrease nationally.

While criminal case filings decreased 2.0% nationally, our Court experienced a significant increase of 35.2% in criminal cases and 31% increase in criminal defendants.

The number of jury and bench trials decreased 23% from calendar year 2004. However, the number of jury trials increased approximately 14% from 2004. Despite the increase in jury trials, our district's percentage of jurors called into the courthouse, but not utilized was 27% which is 3% below the goal set by the Judicial Conference.

Nancy Funk, administrative assistant to the Honorable James T. Moody, retired after 28 years of government service.

Our district-wide training committee comprised of District, Bankruptcy and Probation staff planned health fairs and also Sexual Harassment training.

Our district again held numerous naturalization ceremonies in each of the divisional offices many times combining the ceremonies with outreach training with schools and local organizations.

This year was the second full year of converting to CM/ECF and we continue to make adjustments in our customer service changing from face-to-face to telephone and e-mail interactions.

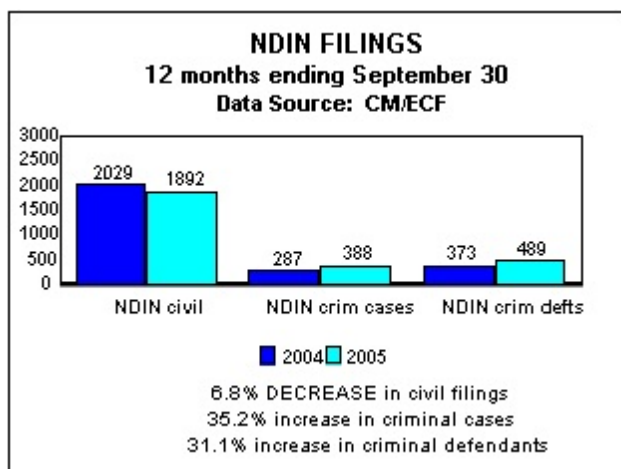
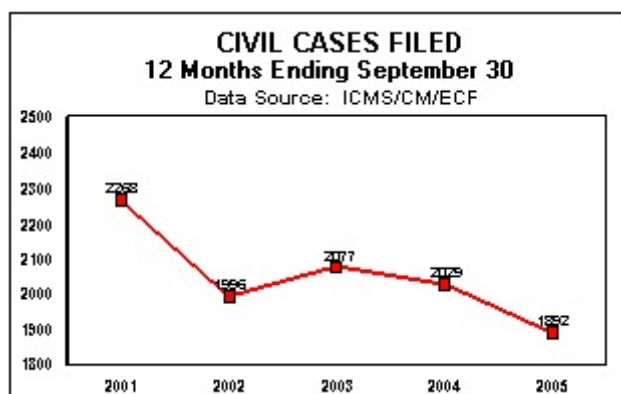
We look forward to future challenges with funding, rent issues and technology innovations. While our world changes, we endeavor to keep our focus on service to our customers.

## STATISTICAL INFORMATION...

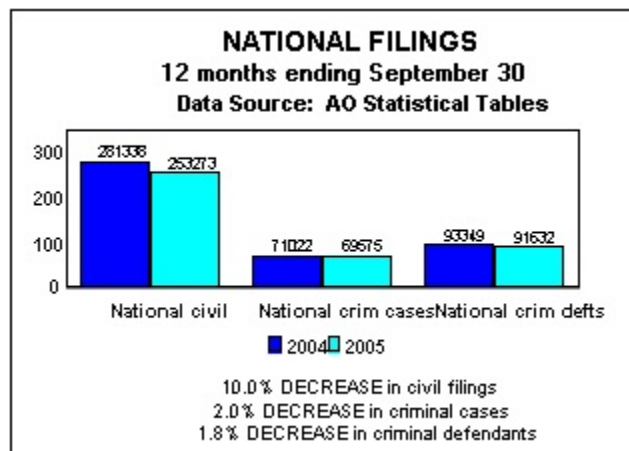
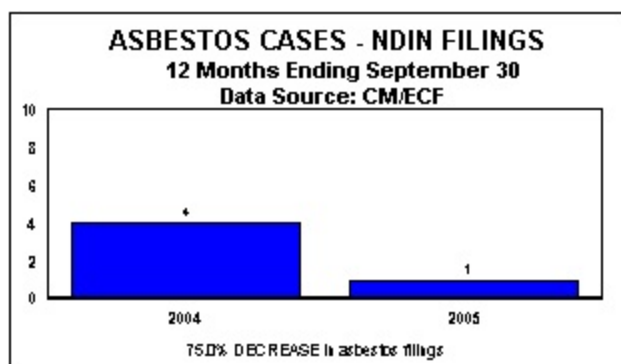
During fiscal 2005 (October 1, 2004 - September 30, 2005), in district courts nationwide, criminal and civil filings decreased. In contrast, in the Northern District of Indiana, we saw a decrease in filings of civil cases, and an increase in criminal cases and criminal defendants. Civil filings in our district decreased by 137 cases (6.8%), criminal cases increased by 101 (35.2%) and criminal defendants increased by 116 (31.1%). Nationwide, civil filings decreased by 10.0%, criminal cases decreased by 2.0% and criminal defendants decreased 1.8%

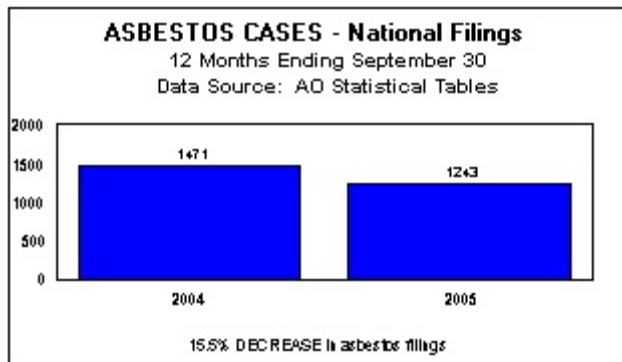
### Civil

Our civil filings decreased slightly less than the nationwide decrease in filings from 2004 to 2005 (a 6.8% decrease in our district vs. a 10.0% decrease nationwide).

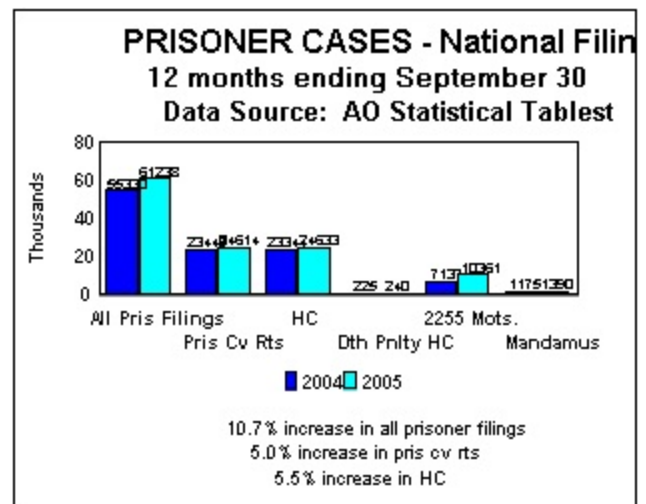


Again this year, filings of asbestos personal injury cases remain quite low (1 this year compared to 4 in fiscal year 2004 and 35 in fiscal 2003). Courts nationwide also saw a decrease of 15.5% in asbestos personal injury cases in fiscal year 2005.

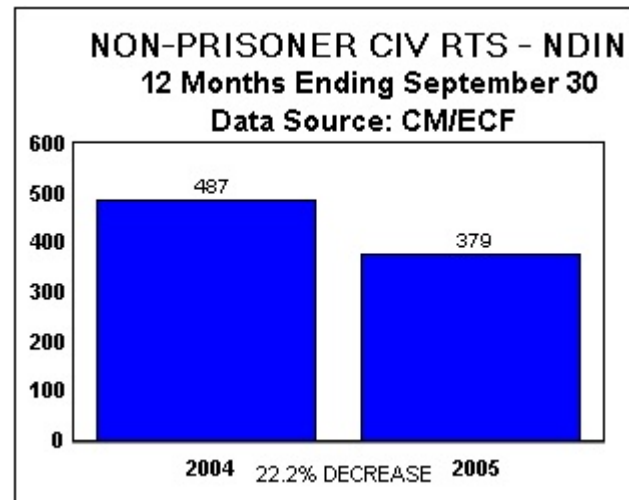
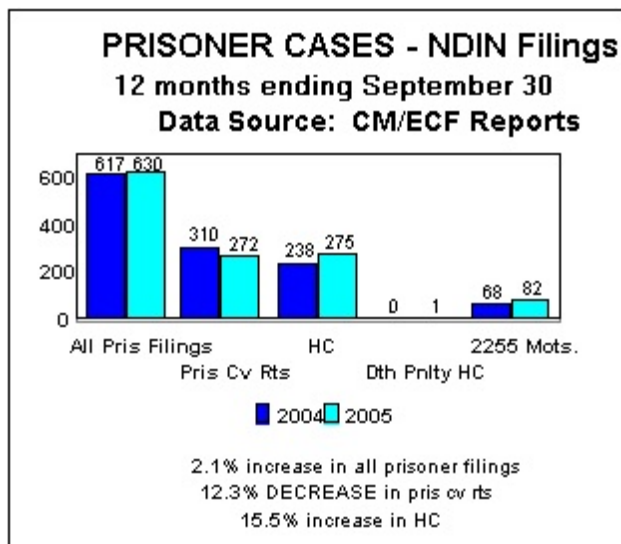


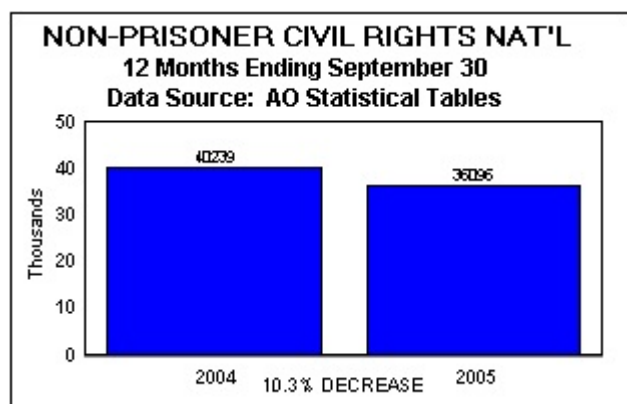


Although we have seen increases in prisoner cases in past years, total prisoner filings increased only slightly to 630 cases for 2005 vs. 617 in 2004 (an increase of 2.1%) A decrease in prisoner civil rights cases of 38 cases (12.3%) was offset by a similar increase of 37 cases (15.5%) in habeas corpus filings. Civil cases filed under §2255 cases increased by 14 (20.6%). Nationwide filings of all prisoner cases increased 10.7%.

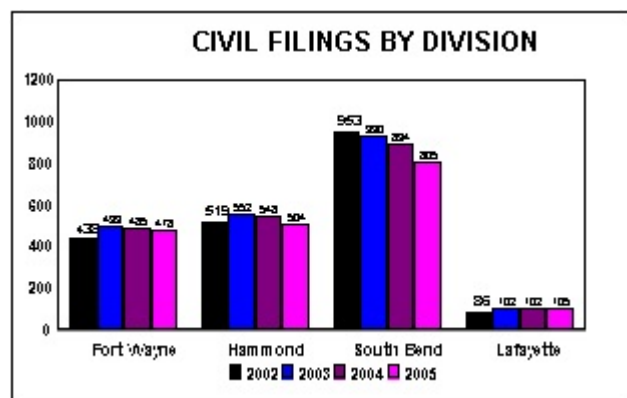


An area where our district continues to see a significant volume of filings is non-prisoner civil rights cases (discrimination in employment cases), although filings in 2005 were down 108 cases (22.2%) from 2004. Nationwide filings of these cases decreased by 10.3%.

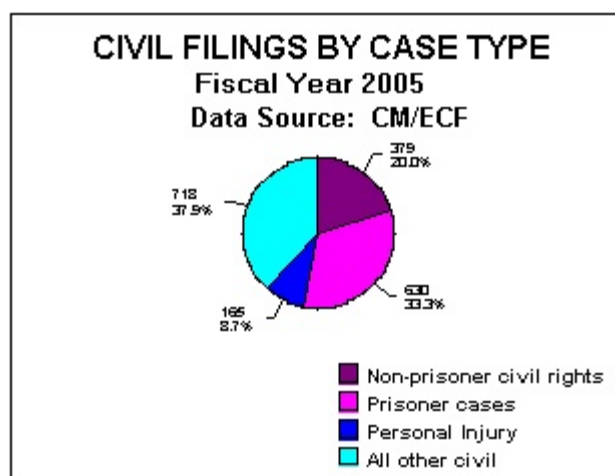




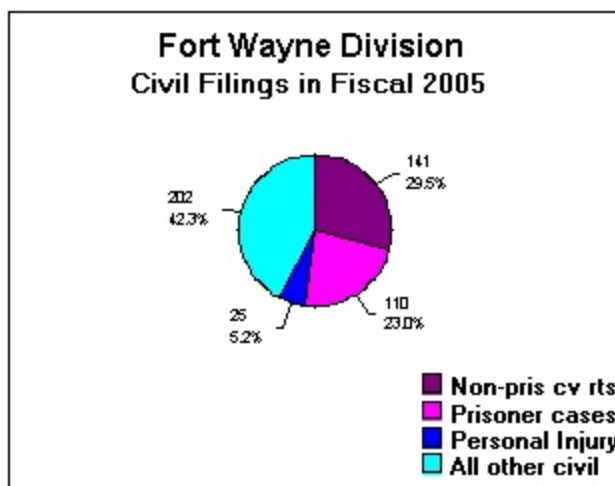
The number of civil filings for each division for the past four years is shown on the following chart. All offices except Lafayette, which was up slightly, experienced decreases in fiscal 2005 from fiscal 2004 (Fort Wayne: -1.4%; Hammond -8.0%; South Bend -10.0%). The largest decline was in South Bend, with 89 fewer cases. Fort Wayne had 7 fewer cases and Hammond had 44 fewer.



In assessing civil filings by case type for the entire district, the category "other civil" again remains ahead of prisoner cases as the largest percentage for a single type of filing (38.0 % for other civil; 33.3% for prisoner cases), followed by non-prisoner civil rights (20.0%) and personal injury cases (8.7%).

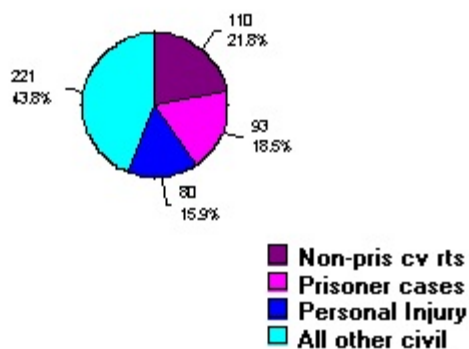


Looking at these same types of cases by division, the mix of civil cases varies with each division. The two categories of civil cases most frequently filed in Fort Wayne are non-prisoner civil rights (29.5%) and other civil (42.3%), comprising 71.8% of total filings in Fort Wayne.



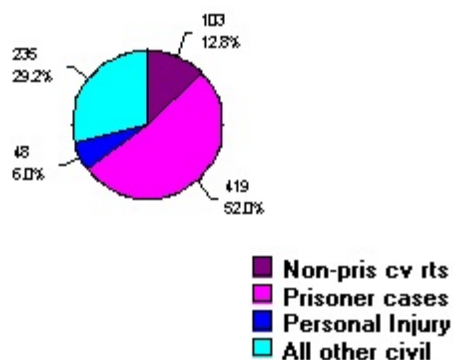
In Hammond, the two categories most frequently filed were other civil (43.8%) and non-prisoner civil rights (21.8%), comprising 65.6% of total filings in Hammond.

**Hammond Division  
Civil Filings in Fiscal 2005**



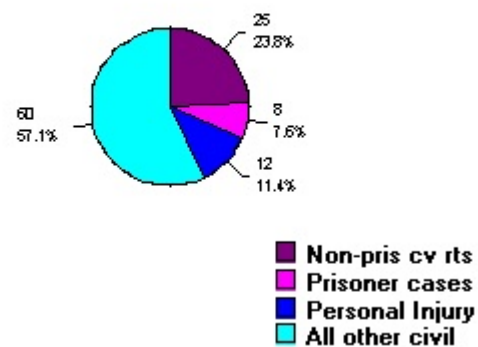
In the South Bend division, prisoner cases continue to comprise the largest category of civil filings (52.0%), with other civil as the second most common case type (29.2%). Together, prisoner cases and other civil comprise 81.2% of South Bend's filings.

**South Bend Division  
Civil Filings in Fiscal 2005**



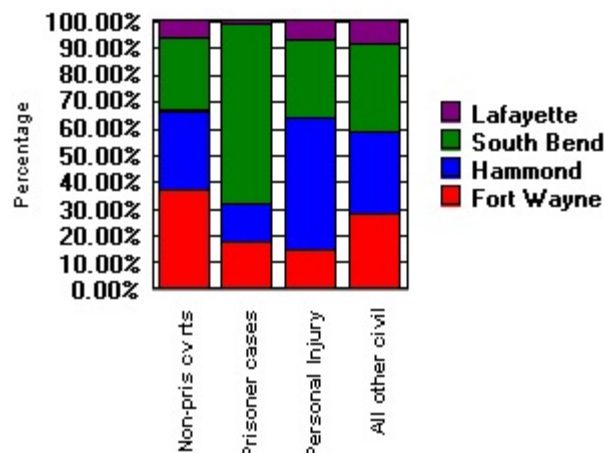
In the Lafayette division, the two most common types of civil filings are other civil (57.1%) and non-prisoner civil rights (23.8%), comprising 80.9% of total filings.

**Lafayette Division  
Civil Filings in Fiscal 2005**



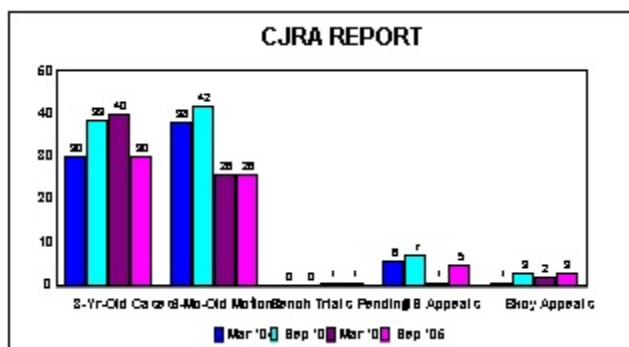
District-wide, the Fort Wayne office had the highest number of non-prisoner civil rights cases (141; 37.2%), the South Bend office had the highest number of prisoner cases (419; 66.5%) and the Hammond office had the highest number of personal injury cases (80; 48.5%). The number of other civil cases filed was divided among the four divisions as follows: Fort Wayne = 202 or 28.1%, Hammond = 221 or 30.8%, South Bend = 235 or 32.7% and Lafayette = 60 or 8.4%.

**TYPES OF CASES FILED IN EACH DIVISION**

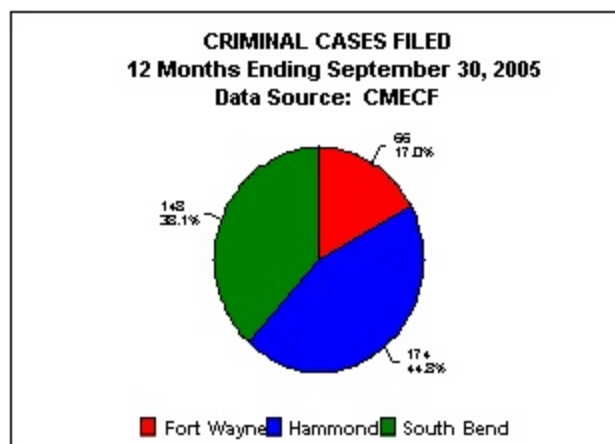


### Civil Justice Reform Act

The Civil Justice Reform Act requires status reports from all judicial officers twice each year regarding pending 3-year-old civil cases, 6-month-old motions, bench trials under advisement, bankruptcy appeals and social security appeals. This automated report is mandated by the Judicial Conference.

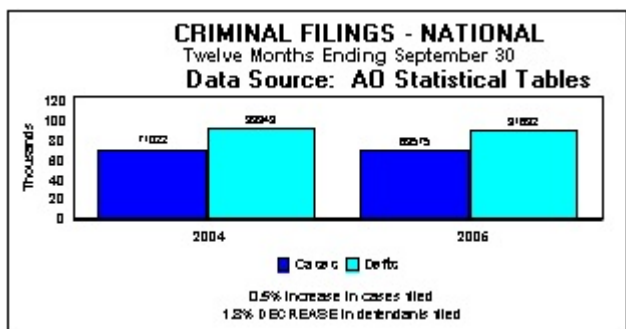
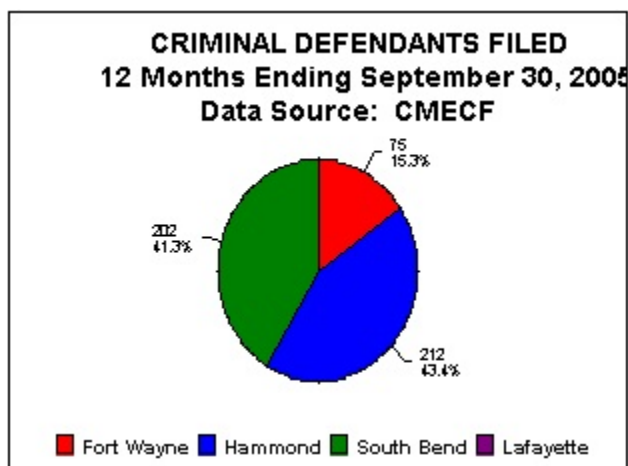
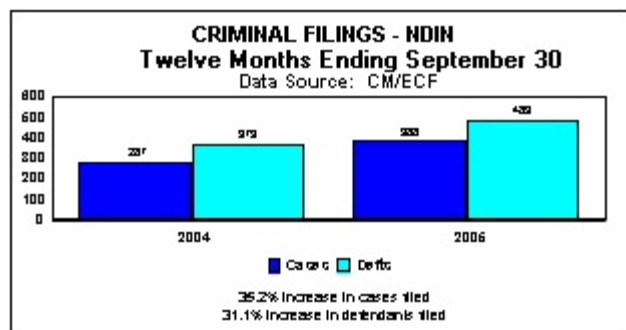


During fiscal 2005, criminal filings in Fort Wayne comprised 17.0% of all criminal cases in the district and 15.3% of defendants. The Hammond division received 44.8% of criminal cases and 43.4% of defendants. In South Bend, criminal cases accounted for 38.1% of all criminal cases and 41.3% of defendants.



### Criminal

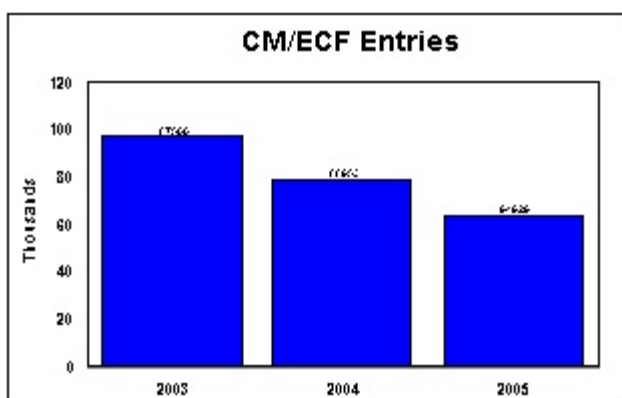
Criminal case filings increased 35.2% and defendants increased 31.1% in the Northern District of Indiana from 2004 to 2005. This compares with decreases of 2.0% and 1.8% in these areas nationwide.





### Case Management System

On November 1, 2003, the court migrated to a new automated docketing system called CM/ECF, which includes electronic filing of documents over the internet. Since attorneys may make their own entries in the CM/ECF system, we have seen a gradual decrease in the number of entries made by court personnel.



### Trials

The number of total trials held (jury and bench) in our district during fiscal 2005 was 57, down 23.0% from fiscal 2004 (74 trials). The percentage of civil vs. criminal trials remained about the same from fiscal 2004 to fiscal 2005, with the percent of civil trials at 40.35% and criminal trials at 59.65% (compared to 39.19% and 60.81% respectively last year). Nationwide, criminal trials comprised 66.56% of total trials and civil accounted for 33.44% of all trials.

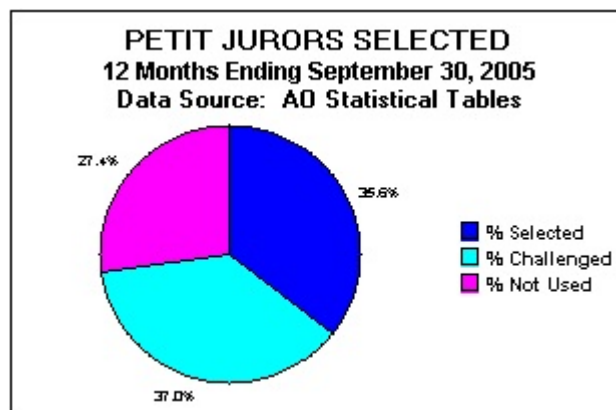
The percentage of jury vs. bench trials in our district changed from fiscal 2004 to fiscal 2005, with the percentage of jury trials higher in fiscal 2005. The percentage of jury trials was 85.96% in 2005. The percentage of

bench/other trials in our district was 14.04% in 2005 (compared to 71.62% and 28.38% respectively last year).



### Jurors

During fiscal 2005, a total of 1,965 prospective petit jurors appeared for selection in our district and 59 juries were selected, compared to 2,323 jurors and 75 juries selected in fiscal 2004. Of the jurors who appeared for selection, 35.6% were selected to serve on a jury, 37.0% were challenged and 27.4% were not used. Several years ago the Judicial Conference set a goal of 30% or lower for unused jurors and in fiscal 2005 we met that goal.





Grand jury activity in fiscal 2005 was slightly lower than the previous year, although the number of grand juries serving our district increased from 5 to 8. These 8 grand juries held 71 sessions and spent a total of 405 hours in session, a decrease in activity from what we saw in fiscal 2004 (5 grand juries, 81 sessions and 479 hours). The average number of grand jurors per session was 20.3 and the average length of a session was 5.7 hours, about the same as fiscal 2004 (20.5 jurors and 5.9 hours per session).

GRAND JUROR ACTIVITY			
	FY2004	FY2005	% Change
# Grand Juries	5	8	60%
# Sessions Convened	81	71	-12.3%
Total Hours in Session	479	405	-15.4%
Average # Jurors per Session	20.5	20.3	-1%
Average # Hours per Session	5.9	5.7	-3.4%

## PERSONNEL ...

January 3, 2005, **Christi Ori** started her term as a law clerk in Judge Sharp's chambers.

On February 14, **Cathy Niemeyer** began her term as a law clerk in Judge Cosbey's chambers.

**Todd Weaver** completed his term as a law clerk in Judge Lee's chambers April 29 while **Jim Berles** joined Judge Lee's staff May 2.

**Dimitri Golfis** was Lafayette's first intern from May 16 thru June 30. He attends Purdue University.

**Nancy Funk** retired after 28 years as secretary to Hon. James T. Moody. Her retirement party was held May 27 in the Hammond Courthouse.



**Erin Cole** left Judge Cherry's chambers May 30 and **Amy Redman** started as a law clerk with Judge Cherry May 31.

**Rayna Matczak** joined Judge Moody's chambers June 6.

**Neil Dishman** s last day with Judge Cosbey was August 5.

**Kyle Forsythe** s last day with Judge Miller was August 12.

**Mark Ryan** s last day with Judge Lozano was August 12 and **Rob Kinsella** rejoined Judge Lozano's chambers August 15.

**Eric Kniffin** s last day in Judge Springmann's chambers was August 19. **Ben Rolf** filled the law clerk position in that chambers August 22. Ben is a 2005 graduate of the University of Notre Dame Law School.



**Carrie Reed** joined the Fort Wayne Clerks' Office as a Case Administrator August 22.

**Heather Kleinschmidt** began her term as a law clerk with Judge Cosbey August 29.

**Kerri Holleb Hotaling** s last day in Judge Simon's chambers was September 2. **Jeremy Cole** joined Judge's Simon's chambers September 7.

**Keith Porapaiboon** s last day in Judge Simon's chambers was September 16 while **Mala Adiga** began her term in Judge Simon's chambers September 19.

**Sarah Jehl** s last day in Judge Moody's chambers was October 5 and **Raagnee Beri** began her term as a law clerk with Judge Moody October 6.



**Kathy Wright's** last day with the Fort Wayne Clerk's Office was October 14.

**Tim Storino** served as a temporary law clerk covering for Amy Redman in Judge Cherry's chambers while she was on maternity leave. Tim's last day was Dec 6.



Judge Theresa Springmann received her 10 year service pin from Clerk Steve Ludwig.

Employees receive service pins for every five years of service. The following individuals received service pins in 2005:

NAME	YEARS OF SERVICE
Brown, Sue	10
Collins, Noel	20
Darrah, Jennifer	5
Freitag, Mary Lou	5
Hoffman, Joanne	15
Jackson, Scott	25
Krikau, Kevin	5
Ludwig, Steve	30
Macon, Sharon	15
Miller, Pat	5
Nuechterlein, Hon. Christopher	5
Opfel, Greg	15
Padly, Jimmie	5
Pawlowski, Brian	5
Potts, Sheri	15
Springmann, Hon. Theresa	10
Steiner, Todd	15

Noel Collins received her 20 years of service pin.



Todd Steiner receives his 15 years of service pin.



Sheri Potts receives her 15 year pin from Chief Judge Miller and staff.



Sue Brown receives her 10-year service pin from Clerk Ludwig.



Magistrate Judge Christopher Neuchterlein received his 5 years of service pin.

## FINANCE ...

In fiscal year 2005 the court experienced a funding crunch unlike any fiscal year to date. Thanks to careful budget planning with input from all staff, the court was able not only to prevent furloughs, but to keep the court up and running at top speed.

Some of the major projects included:

Funded the purchase and installation of new carpet for Chief Judge Miller in South Bend.

New carpet and paint for Jennifer Johnson's office in Fort Wayne.

New carpet and paint for the jury room in Lafayette.

Electrical upgrades in Fort Wayne & South Bend server rooms.

Re-keyed all district court space in Fort Wayne.

Funded the design for an updated grand jury room in Fort Wayne.

Re-upholstered 33 chairs in the first floor South Bend jury assembly room.

New copiers purchased for South Bend and Hammond Clerk's offices.

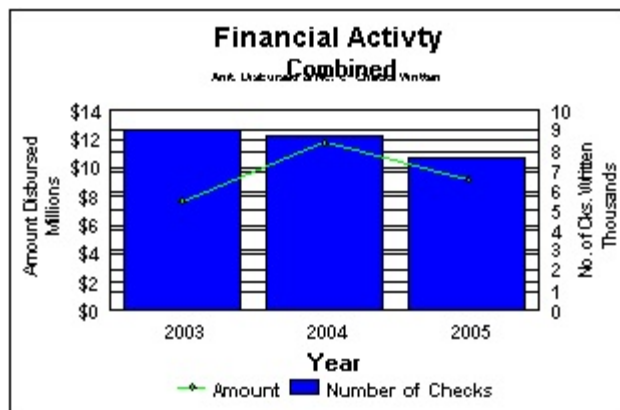
New furniture included: desks, chairs and lamps for Magistrate Judge Cosbey's law clerk offices in Fort Wayne; new organizer unit for Judge Miller's jury deliberation room in South Bend; and 5 new visitor chairs for Judge Nuechterleins' chambers in South Bend.

Some automation staff training included ZenWorks, AppDev and Computer Security.

Four new computer servers were purchased for the district .

Upgrades were installed on the voice mail systems in all divisions and on the phone switch in South Bend. Voice mail upgrade costs were shared between all court units.

The Chart below shows the financial Activity for our District in 2005.



## AUTOMATION ...

The Automation Department had a busy year and provided updates for 2005 which included the following:

Installed Novell servers with Netware 6.5 at Fort Wayne, Hammond and South Bend.

Installed External Disk arrays in Fort Wayne, Hammond and South Bend. Each pair of servers in Fort Wayne, Hammond and South Bend are operating as a 2 node clustered server accessing the external disk array.

Installed Backup Exec 9.1 for Netware in all divisions.

Installed Linux CM/ECF servers.

Test migrated Linux CM/ECF and did a system operations test.

Upgraded the Solaris CM/ECF system versions 2.3, 2.4 and 2.5.

Completed ZenWorks for Worstation training.

Purchased and installed CabinetNG as a replacement for File Magic.

Cyclical replacement of Computers.

### **Courtroom Technology**

Installed permanent DVDs into each courtrooms technology system. This allows for not only video display of DVDs

but also allows audio CDs to be played in the courtrooms.

Designed and installed the training room video system in the South Bend Jury Assembly room. The room consists of a 10 foot screen, high end projector, videoconference system, DVD, VCR, FJTN feed and laptop connections. The media is all controlled by a wall outed touch panel which eliminates the need for mastering the use of multiple remotes.

Installed a jury microphone system in Judge Miller's courtroom.

Upgraded the South Bend telephone switch.

Wrote the specifications and awarded bids for voicemail sytem upgrades in Hammond, South Bend and Fort Wayne.

Found AO Funding (\$15K) and helped put the package together that provides our court with annual AO funds for courtroom technology replacement equipment in Hammond.

Installed videoconferencing in South Bend CM/ECF training room.

Worked to come up with a relocation plan for our technology MDF in Lafayette.

Performed many telephone, network, audio and video adds, moves and changes throughout the district.

## TRAINING ...

The trend for FY 2005 continues to focus on the use of technology for training primarily due to continuing budgetary and staffing restraints facing our courts.

The CM/ECF Committee, Case Management Deputy Clerks Committee and the Manual Committee continued to be used as an excellent means to provide training to clerk's office staff on procedures and policies. Committee meetings were held via videoconferencing while materials and discussions prior to the meetings were communicated via e-mail. Attorneys and their staff continued to receive CM/ECF training by clerk's office staff. The hard work and dedication of our staff in participating in these committees and providing training to attorneys has been outstanding.

The Federal Judicial Center (FJC) continued to provide training programs to all our judges, chambers and clerk's office staff. FJTN programs were provided to our court personnel via videostreaming. Our internet site has a link for the FJTN. This format allowed programs to be viewed by staff at their computer when convenient for them. Program topics available but not limited to included:

- Court Management/Leadership
- Employee Benefits
- Financial
- Information Technology/Automation
- Judicial/Legal Education
- Probation & Pretrial Services
- Public Affairs/News

The Federal Court Leadership Program, funded by the FJC, has been offered to our court staff. Several of our staff have

participated in this 2 ½ year program focused on developing management and leadership skills. Currently, systems administrator, Darrell Howard is enrolled in this program.

Our district-wide Training Committee comprised of District, Bankruptcy and Probation personnel continued to work together to pool their resources and talents to provide training programs to benefit all our staff. Sexual Harassment training and Health Fairs were programs developed and provided to all court personnel by the Training Committee.

Jane Tarwacki showing people how to use the J-Net health benefits website during the Health Fair.



Since the terrorist attacks of Oklahoma City, 9/11 and the recent natural disasters of Hurricanes Rita and Katrina, it was agreed our district's COOP (Continuity of Operations Plan) needed to be updated. Members of our court staff, joined with Bankruptcy and Probation personnel to attend FEMA training in Chicago and received additional COOP training. It was agreed to revise our COOP plans and provide training to all staff on COOP in 2006.



## DISTRICT ACTIVITIES ...

On July 4<sup>th</sup> thru the 8<sup>th</sup> the FCCA (Federal Court Clerks Association) held their conference in Chicago.

The Employee Recognition Picnic was held at the Yogi Bear Campground near Indiana Beach on July 30.

The Clerk hard at work cooking for everyone.



J u d g e  
Springmann and  
Monica Clawson  
talking during the  
picnic.

Cannie Inman  
sitting with her  
grandson Gavin.



July 24<sup>th</sup> through the 26<sup>th</sup> Judge Allen Sharp from South Bend, Sue Alcala from Hammond and Jennifer Johnson from Fort Wayne attended the Juror Management and

Utilization Workshop in San Francisco California.

December provided the opportunity for holiday parties for Fort Wayne, Hammond, South Bend and Lafayette.



Jimmie Padly,  
Lisa Steinke and  
Carrie Reed  
awaiting Santa's  
arrival.

Judge Theresa  
Springmann and  
family posing for  
a picture at the  
Christmas party.



Heather Kleinschmidt, Judge Roger Cosby and Cathy Niemeyer at the Fort Wayne Christmas party.



Judge Moody and his grandson Ethan visiting with Santa.



Michele McKechnie, sister to Melanie Sus, and her son Todd Jr. sit on Santa's lap.



Steve Ludwig addresses attendees at the South Bend Christmas luncheon.

## DIVISIONAL ACTIVITIES...

### Fort Wayne

Judge Springmann presided over numerous Naturalization ceremonies in the Fort Wayne Courthouse.

Judge Springmann poses for pictures with new citizens.



Maci Doden, permanent staff attorney to Judge Springmann, and her husband, Eric, welcomed their fourth child, Jones, into the world in November. Jones joins his three siblings, Lawson, Quinn and Ryland.

The second floor District Courtroom in Fort Wayne is undergoing renovation to return it to its 1932 glory and to qualify for placement on the National Registry of Historic Buildings. The Fort Wayne Division Courthouse will be 75 years old in October 2007. GSA and the federal family in Fort Wayne are planning an open house to mark the occasion.

### Hammond

Naturalization ceremonies were held Hammond during 2005 with Judges Lozano, Simon, Rodovich and Cherry presiding.



Judge Cherry with an intern from the Hammond Clerk's Office after she became a U. S. Citizen.

### **South Bend**

Judge Nuechterlein presiding over a Naturalization Ceremony November 4.



In December the South Bend Division held their traditional Christmas breakfast and ornament exchange.

Juli Nowacki shows off the ornament she selected.



### **Lafayette**

November 14 the annual Thanksgiving Luncheon was held for the entire building. Everyone had a great time and the food was wonderful.

Judge Sharp hosted a Christmas luncheon at the Bistro restaurant December 22.



Staff enjoying the Christmas Luncheon.



## COMMUNITY OUTREACH ...

In January the South Bend Division collected stuffed animals for 8<sup>th</sup> grade students from St. Anthony's school to send to children affected by the tsunami.



On August 24 the FBI held their annual Steak Fry where members of the judiciary can come out and learn about what the FBI does.



Diane Markley perfecting her aim at the shooting range.

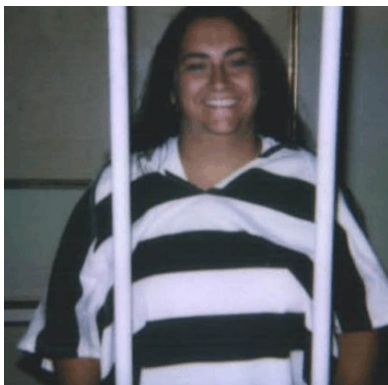


In May a Mock Trial was held in Fort Wayne.

Jimmie Padly and Lana Melton at the shooting range.



The Lafayette Division went "Behind Bars for Good" to benefit the Muscular Dystrophy Association August 23. Monica Clawson and Cannie Inman each went to jail for one hour.



In August Judge Paul Cherry presided at a Naturalization that also had Boy Scouts visiting for the ceremony.

September 2 Judge Sharp presided over a Naturalization ceremony at the Morton Community Center in West Lafayette. The program was the opening ceremony for Global Fest held yearly in Lafayette. Music for Global Fest was provided by "The Purduettes" from Purdue University.



Students selecting a free book available for them to read. Books were provided by the St. Joseph County Public Library.



In September the Fort Wayne, Hammond and South Bend Division participated in "Time Out for Reading," an International program to promote the importance of reading and literacy.



Judge Springmann speaking to students about how reading helps increase knowledge.



Students in Hammond wearing red noses reminding them to "put your nose in a book."

In November children from Books, Brushes and Bands for Education (from the Hammond schools) were present to learn about naturalization at a ceremony presided over by Judge Simon.



Also in November Judge Christopher Neuchterlein presided over naturalization ceremony in which the Michiana Male Chorus provided special music.

